

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of :
:
LEON WAGNER, :
:
Applicant, :
:
FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782 TO :
TAKE DISCOVERY FROM STONEX SECURITIES :
INC. IN AID OF A FOREIGN PROCEEDING :
:
-----X

24 Misc. 540 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Applicant Leon Wagner filed an Application for an Expedited Order to Take Discovery Pursuant to 28 U.S.C. § 1782 (the “Application”), which seeks documentary evidence from StoneX Securities Inc. (“StoneX”) for use in a foreign proceeding in the District Court of Tel Aviv, Israel, captioned *Leon Wagner v. Augwind Energy Tech Storage Ltd., et. al*, Civil Action (Tel-Aviv) 57188-02-236 (the “Israeli Proceeding”). In connection with the Application, Wagner provided a copy of the subpoena to produce documents that he seeks to serve on StoneX. *See* Dkt. 5, Exh. 4.

The Application is granted. Title 28, United States Code, Section 1782 provides, *inter alia*, that, “upon the application of any interested person,” “[t]he district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal.” 28 U.S.C. § 1782(a). The Court finds that Wagner has satisfied each statutory requirement for discovery pursuant to Section 1782. First, Wagner asserts that StoneX is found in this District. *See* Dkt. 2 (memorandum of law in support of motion) at 6 (“StoneX maintains an office located at 230 Park Ave, New York, NY 10169.”); *see also* <https://www.stonex.com/en/> (last visited Nov. 26, 2024) (stating that StoneX’s “Global Headquarters” are at 230 Park Avenue, 10th Floor, New York, New

York 10169). Second, the requested discovery is for use in the Israeli Proceeding. *See, e.g.*, Dkt. 4 (declaration of Shai Avneili, Wagner's Israeli counsel) ¶¶ 3, 16-17. Lastly, as the claimant in that proceeding, Wagner is an interested person within the meaning of Section 1782. *See* Dkt. 3 (declaration of Wagner) ¶¶ 3, 12, 14.

The Court further finds that the discretionary factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 255 (2004), further weigh in favor of granting the Application: StoneX is not a participant in the Israeli Proceeding; there is no indication that the District Court of Tel Aviv would be unreceptive to discovery obtained through the Application; there is no indication that the Application is an attempt to circumvent proof-gathering restrictions under Israeli law; and the eight discovery requests in Wagner's subpoena to StoneX do not appear to be unduly intrusive or burdensome. Should StoneX have objections to the scope of that subpoena that cannot be resolved through a meet-and-confer process, StoneX then may bring an appropriate motion before this Court.

Accordingly, the Application is granted, and Wagner is authorized to serve StoneX with a subpoena substantially in the form annexed as Exhibit 4 to the Declaration of Carl F. Regelman, Dkt. 5. StoneX is further ordered to respond to the subpoena within twenty days of service of the subpoena and in conformance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York. This Order is without prejudice to any motion by StoneX to quash or modify the subpoena.

SO ORDERED.

Dated: November 26, 2024
New York, New York



JOHN P. CRONAN
United States District Judge